

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:
PETERSON, WICKS, NEMER & KAMRATH,
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Date of mailing
(day/month/year) **0 4. 07. 95**

Applicant's or agent's file reference
1066

PAYMENT DUE within **45** ~~60~~ days
from the above date of mailing

International application No.
PCT/ US 95/ 02363

International filing date
(day/month/year) **24/02/95**

Applicant

HORTON INDUSTRIES, INC. et al.

1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~on the~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~on the~~ on the extra sheet:

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- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
1-31, 39-74
- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

DEM 2400,- x 2 = DEM 4800,-
Fee per additional invention number of additional inventions total amount of additional fees

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority
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Authorized officer

M.-J. v.d. Hoeven

LACK OF UNITY OF INVENTION

1. Claims: 1-31,39-74
a rotational control apparatus between an input and an output, with components having a first position in which the input and output both rotate at the same speed, and a second position in which the output rotates at a speed lower than the input.
2. Claims: 32-38,75,76
rotational control apparatus having cooling fins or vanes
3. Claims: 77-82
a rotational control apparatus having a friction lining of a material capable of absorbing or damping vibrations

Each claim contains a number of technical features, defining its subject matter. In the present case, two categories of features are present in the claims :

1. Features which are a priori obvious to the man skilled in the art and known from US-A-4425993, see col. 1, line 66 to col. 2, line 58, figs. 1 to 3). These are: a rotational control apparatus comprised of a first friction disc mounted rotatably and rotationally about a hub, and movable between a first position to rotatably relate to the hub at a first rotational speed, and a second position, rotatably independent from the hub. They are common to all claims but they do not present any contribution to the prior art. Hence they are not special features contributing to the fulfilment of the requirements according to Rule 13.2 PCT.

2. Remaining technical features :

Being not obvious to the man skilled in the art, they can be considered a priori as special features. Analysis of the claims starting with claim 1 leads to the following special features:

- a. Claims 1 to 31, 39 to 74 : features relating to rotating the hub at a second speed different from the first rotational speed.
- b. Claims 32 to 38, 75 and 76 : features related to cooling fins or vanes.
- c. Claims 77 to 82 : features relating to a friction lining being of a material which acts to dampen or absorb vibrations.

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None of these remaining technical features is either common to more than one of the groups a, b and c of the claims, or are they the same or corresponding.

3. Conclusion

The grouping hereabove under the heading of the respective and distinctive technical features acceptable a priori illustrates the number of subjects which do not fulfil the requirements of Rule 13.1 PCT. Hence, Rule 13.1 PCT is not satisfied : the subject matter of the application contains at least three subjects which are not linked by a single inventive concept.

Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No
PCT/US 95/02363

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
1-31, 39-74
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE,A,42 07 710 (LINNIG) 16 September 1993	1-7, 10, 12-17, 20-25, 30, 31, 39, 40, 42-48, 51, 52, 55-57, 66-72, 74
Y	see column 2, line 18 - column 4, line 6; figure 1	8, 9, 11, 18, 19, 26-29, 41, 49, 50, 53, 54, 58-65, 73
Y	--- US,A,3 896 911 (BENEKE) 29 July 1975 see column 4, line 43 - column 6, line 51; figures 2-5	8, 9, 18, 19, 41, 49, 50, 58-60, 63-65, 73
Y	--- GB,A,1 077 724 (MAY-PRESSENBAU) 2 August 1967 see page 1, line 80 - page 3, line 118; figures 1, 2 --- -/-	11, 53, 54

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH

International Application No
PCT/US 95/02363

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP,A,0 202 749 (EATON) 26 November 1986 see column 7, line 1 - column 10, line 37; figures 3,5 ---	26-29
Y	FR,A,2 375 494 (EMMERLING) 21 July 1978 see page 3, line 29 - page 5, line 17; figures 1-4 ---	61,62
X	US,A,5 059 161 (BREDT) 22 October 1991 cited in the application see column 3, line 23 - column 7, line 8; figures 1,2 -----	1-4,7, 10,13, 14,17, 20,39, 40, 66-71, 73,74

Patent Family Annex

Information on patent family members

International Application No

PCT/US 95/02363

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE-A-4207710	16-09-93	NONE	
US-A-3896911	29-07-75	US-A- 4006806	08-02-77
GB-A-1077724		NONE	
EP-A-202749	26-11-86	DE-A- 3661379 JP-A- 61252923 KR-B- 9311080 US-A- 4678070	12-01-89 10-11-86 20-11-93 07-07-87
FR-A-2375494	21-07-78	NONE	
US-A-5059161	22-10-91	AT-T- 115237 AU-B- 641982 AU-A- 7150791 DE-D- 69014904 DE-T- 69014904 EP-A- 0513082 JP-T- 5503985 WO-A- 9111594	15-12-94 07-10-93 21-08-91 19-01-95 27-04-95 19-11-92 24-06-93 08-08-91